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**MAR 21 1995**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY**

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SIAMAK HARANDI  
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March 21, 1995

William F. Caton, Acting Secretary  
Federal Communications Commission  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: In re Application of Ellis  
Thompson Corporation for  
Facilities in the Domestic  
Public Cellular Radio  
Telecommunications Service on  
Frequency Block A in Market No.  
134, Atlantic City, New Jersey  
CC Docket No. 94-136  
File No. 14261-CL-P-134-A-86

Dear Mr. Caton:

Transmitted herewith on behalf of Ameritel is one (1) original and six (6) copies of its Motion for Leave to File Response filed with respect to the above-referenced proceeding.

Should any questions arise with respect to this matter, please communicate directly with this office.

Respectfully submitted,

*Richard S. Becker*

Richard S. Becker  
Attorney for Ameritel

Enclosures

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MAR 21 1995

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In re Application of ) CC DOCKET NO. 94-136  
ELLIS THOMPSON CORPORATION ) File No. 14261-CL-P-134-A-86  
For Facilities in the )  
Domestic Public Cellular )  
Radio Telecommunications ) DOCKET FILE COPY ORIGINAL  
Service on Frequency Block A )  
in Market No. 134, Atlantic )  
City, New Jersey )

To: Administrative Law Judge Joseph Chachkin

MOTION FOR LEAVE TO FILE RESPONSE

Ameritel ("Ameritel"), by its attorneys and pursuant to Section 1.294(d) of the Commission's Rules,<sup>1</sup> hereby seeks leave to file the "Response" that it is submitting simultaneously herewith in the above-captioned proceeding. As set forth herein, Ameritel respectfully submits that good cause exists for authorization and acceptance of the Response.

1. In a February 6, 1995, "Petition To Intervene" ("Petition"), Ameritel sought leave to intervene as a party in interest in the above-captioned proceeding. Ameritel's Petition was challenged by pleadings filed by all existing parties to the proceeding.<sup>2</sup>

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<sup>1</sup>47 C.F.R. §1.294(d).

<sup>2</sup>See "Comments On Petition To Intervene" ("Comments") filed jointly by The Wireless Telecommunications Bureau ("Bureau") and Telephone and Data Systems, Inc. ("TDS") on February 15, 1995; "Opposition To Petition For Leave To Intervene" ("Amcell Opposition") filed on February 15, 1995, by American Cellular Network Corp. ("Amcell"); "Opposition To Petition To Intervene" ("ETC Opposition") filed on February 21, 1995, by Ellis Thompson Corporation ("ETC"). For ease of reference: (1) the Comments, Amcell Opposition and ETC Opposition may be referred to collectively hereinafter as the "Oppositions;" and (2) the Bureau,

2. Section 1.294(b) of the Commission's Rules normally prohibits replies to oppositions filed in interlocutory matters, such as Ameritel's Petition.<sup>3</sup> Section 1.294(d), however, provides that, "[a]dditional pleadings may be filed only if specifically requested or authorized by the person(s) who are to make the ruling."<sup>4</sup> In the instant case, Ameritel respectfully submits that good cause exists for authorization and acceptance of Ameritel's Response.

3. In the Opposition, all Existing Parties challenged Ameritel's right to intervene in the above-captioned proceeding as the successor-in-interest to Ameritel, Inc., the fifth-ranked mutually-exclusive ("MX") applicant for the Atlantic City, New Jersey, Metropolitan Statistical Area ("MSA") nonwireline cellular authorization ("Authorization"). All Existing Parties included a multitude of conjecture, speculation and insinuation in an attempt to discredit Ameritel's clear and factually-supported assertion. All Existing Parties requested that at a minimum, the presiding officer in this proceeding require Ameritel to submit additional information regarding its ownership structure and its succession to the Atlantic City MX application originally filed by Ameritel, Inc.

4. Ameritel believes that its Petition more than adequately demonstrates that it is an MX applicant with standing to intervene

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TDS, Amcell and ETC may be referred to collectively hereinafter as the "Existing Parties."

<sup>3</sup>47 C.F.R. §1.294(b).

<sup>4</sup>47 C.F.R. §1.294(d).

as a matter of right pursuant to Commission Rules and precedent.<sup>5</sup> Ameritel believes, however, that it must refute the campaign of disinformation launched by the Existing Parties in the Oppositions by providing information that conclusively dispels the questions and suspicions that the Existing Parties attempted to raise against Ameritel in their Oppositions. This information will not only expedite consideration of Ameritel's interlocutory Petition, but will also rebut the speculative and dilatory allegations raised in the Oppositions. Ameritel must also emphasize that its Response is not intended to reply to the arguments set forth in the Oppositions. Ameritel's Response is tailored to provide facts which demonstrate that the questions raised in the Oppositions regarding Ameritel's ownership of its Atlantic City application are inaccurate and must be rejected.

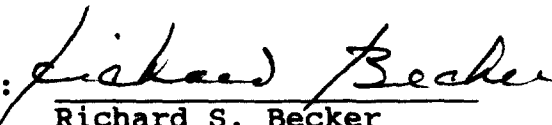
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<sup>5</sup>47 C.F.R. §1.223(a); 47 U.S.C. §309(e); Algreg Cellular Engineering, CC Docket No. 91-142, 6 FCC Rcd 5299, 5300 (Rev.Bd. 1991).

**WHEREFORE,** for all of the foregoing reasons, Ameritel respectfully submits that good cause exists for authorization and acceptance of Ameritel's simultaneously-filed Response. Ameritel requests that the Response be considered and Ameritel reiterates the request made in its Petition that Ameritel be permitted to intervene as a party in the above-captioned proceeding.

Respectfully submitted,

**AMERITEL**

By:   
Richard S. Becker  
James S. Finerfrock  
Jeffrey E. Rummel

Its Attorneys

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Date: March 21, 1995

**CERTIFICATE OF SERVICE**

I, Jeffrey E. Rummel, an associate in the law firm of Richard S. Becker & Associates, Chartered, hereby certify that I have on this 21st day of March, 1995, sent by First Class United States mail, postage prepaid, copies of the foregoing "**MOTION FOR LEAVE TO FILE RESPONSE**" to the following:

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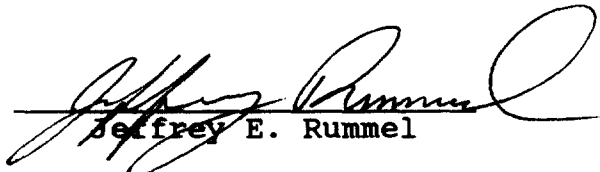
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